

Missouri Assistive Technology 2007 Final Missouri Disability Legislative Summary

The following summarizes key disability and assistive technology-related bills and appropriations during the 2007 legislative session. The summary is divided into three sections: ***Bills That Passed, Appropriations, and Bills That Did Not Pass***. (July 14, 2007 is the last day for the Governor to sign bills into law. If a bill is not signed or vetoed by that date, it becomes law in the same manner as if the Governor had signed it.)

Bills That Passed

SB 577 - Senator Shields

Medicaid Changes

The bill makes changes in the Medicaid program, many of which could be significant, depending on how they are implemented by the Department of Social Services. Among some of the important provisions for Missourians with disabilities:

DURABLE MEDICAL EQUIPMENT (DME) - The bill restores coverage for medically necessary durable medical equipment for all recipients. "An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines, consistent with national standards shall be used to verify medical need".

DENTAL AND OPTOMETRIC SERVICES - The bill states that prescribed dental and optometric services are covered for all recipients, but makes these services subject to appropriations.

OTHER OPTIONAL SERVICES - For pregnant women and persons who are blind, additional optional services that are covered including podiatrists, orthopedic devices, hearing aids, dental services. These services for these populations do not appear to be subject to appropriations.

TICKET TO WORK (MAWD) - The bill includes the Ticket-to-Work provision to restore coverage for some workers with disabilities. The bill allows coverage up to 300% of the federal poverty level (FPL) rather than the 350% of FPL in the version of HB39 perfected in the House.

HEALTH IMPROVEMENT PLANS - The bill requires the Department of Social Services to create health improvement plans including, but not limited to, risk-bearing managed care plans, administrative services organizations (ASOs), and coordinated fee-for-service plans. Enrollment into plans will begin July 1, 2008 and be completed by July 1, 2011. The managed care plans and ASOs will be required to meet quality targets or be penalized financially.

MANAGED CARE - The bill states that “No provisions of any state law shall be construed as to require any aged, blind, or disabled (ABD) person to enroll in a risk-bearing coordination plan”. It is not known whether the Department of Social Services might still choose to enroll the ABD population in managed care, perhaps on a voluntary basis or through a pilot project.

HB 741 - Rep. Pierce
Home Access Tax Credit

This wide ranging tax bill was amended in the Senate to include the language of Senator Kennedy’s SB 8 to establish an income tax credit for Missourians who incur expenses to make their homes more accessible. Taxpayers who earn up to \$30,000 a year would be eligible for a credit for 100% of the costs they incur or \$2,500, whichever is less. The credit is refundable which means that even taxpayers who would not normally earn enough income to be eligible can still receive assistance from the credit. Taxpayers who earn between \$30,000 to \$60,000 would be eligible for a credit up to 50% of their costs or \$2,500, whichever is less. Total credits statewide would be capped at a maximum of \$100,000 per year. The home access tax credit also passed in HB 327, which was the economic development bill.

SB 112 - Senator Rupp
Special Education

The bill repeals the sunset that was inadvertently placed on special education services and on Early Childhood Special Education during the 2005 session. It also establishes a pilot child find program in the First Steps program in Greater St. Louis. Finally, it removes references to the term “handicapped children” in state special education statute and replaces it with “children with disabilities”.

HB352 - Rep. Hobbs
Sheltered Workshops

The bill increases state payments to and increases the state bidding preference for sheltered workshops. Beginning July 1, 2008, the state will pay each sheltered workshop \$75 per standard work week worked by each employee with a disability. The payments will gradually increase to \$95 per week beginning July 1, 2011 and thereafter. There is no requirement in the bill that any of the increase go toward improved salaries for persons with disabilities employed in the workshops.

The bill provides a 10-point bonus on bids by sheltered workshops and organizations for the blind, rather than the current 5 points. While some states and cities have developed bidding preferences that apply to disability-owned businesses in competitive employment as well, this bill grants a preference only to sheltered workshops and organizations for the blind.

SB 16 - Senator Scott
Vision Exams

This bill requires every child enrolling in kindergarten or first grade to have a comprehensive vision examination by an optometrist or physician beginning July 1,

2008. The final bill also ended up requiring that every child also receive a vision “screening” before completion of first grade and again before completion of third grade to be performed by a trained school nurse or other district employee.

The department of education in conjunction with the department of health and senior services is charged with promulgating rules establishing what proof must be provided to comply and identifying resources for children who lack the financial resources to obtain the required vision exams or vision treatment that might be needed as a result of the exam. The bill also adds payment for these required vision exams as a specific use of the blindness education, screening, and treatment fund that consists of moneys from the one dollar voluntary donation associated with driver’s license renewal (created a number of years ago.) An exemption is provided for children whose parents object to the vision exam.

HB 181 - Rep. Sander

Captioning of Educational Videos

This bill requires publishers or manufacturers of video instructional materials designed for educational institutions to be captioned. A penalty of three times the amount paid by the purchaser to have the video captioned is assessed to a publisher or manufacturer who fails to comply.

SB 82 - Sen. Griesheimer

Disabled License Plates and Placards

This was a large bill dealing with motor vehicles that included language from HB796 (Rep. Dethrow) that exempts persons with disabilities aged 75 or older from the requirement to get a signed physicians statement in order to renew their disabled license plate or placard. It also changed the renewal period from every two years to every four years.

SB 308 - Crowell, HB 780 - Tilley

Audiology Licensure

These bills both ended up being large professional registration bills. Each included language that further defined the practice of audiology in state law differentiating it from hearing aid specialists. The bills also included language requiring specific information in purchase agreements for hearing devices, and also phases in educational requirements for hearing instrument specialist licenses or hearing instrument specialist-in-training permits. The language had also been in Rep. Tilley’s HB 657.

HCR 24 - Rep. Wilson

This is a non-binding resolution sent to the federal Department of Education and Missouri’s Congressional delegation requesting a review of the Individuals with Disabilities Education Act and the No Child Left Behind Act to eliminate contradictory objectives.

Appropriations

HB 2 - Department of Elementary and Secondary Education

High Need Fund (prior years Excess Costs/Severe Disabilities Fund)

FY05= \$3,436,219 (federal)

FY06 = \$6,000,000 (state), unknown (federal)

FY07 = \$12,060,000 (state)

FY08 House = \$18,090,000 (state) (\$6,030,000 increase)

Reimbursements for Publicly Placed Students

FY05 = 10,099,337 (state)

FY06 = 10,099,337 (state)

FY07 = 10,099,337 (state)

FY08 House = 10,099,337 (state)

Sheltered Workshops

FY05 = \$18,598,625 (GR)

FY06 = \$18,598,625 (GR)

FY07 = \$18,598,625 (GR)

FY08 = \$18,598,625 (GR)

Readers for the Blind

FY05 = State School Fund - \$25,000

FY06 = State School Fund - \$25,000

FY07 = \$25,000

FY08 = \$25,000

Blind Literacy Task Force

FY05 = \$95,000 General Revenue, unknown other

FY06 = \$95,000 General Revenue, unknown other

FY07 = \$165,000 (\$70,000 increase)

FY08 = \$245,000 (GR) (\$80,000 increase)

Early Childhood Special Education

FY05 = \$102,011,209

FY06 = \$96,311,209

FY07 = \$96,311,209

FY08 = \$96,311,209

Independent Living Centers -

FY05 = 2,156,486 (GR), 1,592,546 (federal), 590,556 (IL Fund)

FY06 = 2,156,486 (GR), 1,592,546 (federal), 590,556 (IL Fund)

FY07 = 2,581,486 (GR), 1,592,546 (fed), 390,556 (IL)

FY08 = 3,141,486 (GR), 1,292,546 (fed), 390,556 (IL) (\$560,000 increase in

GR)

First Steps

FY05 = 5,790,511 (GR), 15,792,879 (fed/EC), 6,000,000 (new fund)
FY05 Supplemental = GR increase of 5,552,794 (replaces "new fund")
FY06 = 13,050,703 (GR), 11,085,481 (fed/EC), 2,000,000 (new fund)
FY06 Supplemental +2,000,000 (federal) 1,100,000 (new fund) (- 900,000)
FY07 = \$14,650,703 (GR), \$7,761,583 (federal), \$5,673,898 (EI Fund)
FY08 = \$14,650,703 (GR), \$7,761,583 (federal), \$5,673,898 (EI Funds)=
\$28,086,184

State Schools for the Blind, Deaf and Severely Disabled -

FY04 Supplemental = 1,004,000 (GR) + 1,000,000 (federal)
FY05 = \$43,404,143 (GR), 4,134,081 (fed) and 1,707,167 (state)
FY06 = \$42,927,992 (GR), 4,114,381 (fed)
FY07 = \$42,674,932 (GR); 4,178,641 (fed); 1,707,167 (state)
FY08 = \$42,539,529 (GR); 4,228,763 (fed) 1,724,007 (state)

Commission for the Deaf

FY05 = \$260,777 (GR), \$50,000 (fed), \$125,000 (interp), 50,000 (other)
FY06 = 258,352 (GR), 47,000 (fed), 117,000 (interp), 49,000 (other)
FY07 = 264,077 (GR), 117,000 (interp), 50,200 (other)
FY08 = 292,278 (GR), 117,000 (interp), 51,136 (other)

Assistive Technology Council

FY05 = \$52,760 (GR), \$796,966 (fed), \$2,708,245 (other)
FY06 = \$0 (GR), \$794,966 (fed), \$2,695,245 (other)
FY07 = \$0 (GR), \$802,107 (fed), \$2,704,858 (other)
FY08 = \$0 (GR), \$808,107 (fed), \$2,712,356 (other)

HB 11 - Department of Social Services

Blind Pension (FY07 increase in monthly benefit from \$541 to \$575)

FY05 = \$21,505,269 (blind pension dollars)
FY06 = \$22,901,889 (blind pension dollars)
FY07 = \$24,272,802 (blind pension dollars)
FY08 = 25,804,530 (blind pension dollars)

RSB Services

FY05 = \$5,085,000 federal, zero GR, \$1,549,935 blind pension
FY06 = \$5,084,732 (fed), \$1,549,919 blind pension, \$99,995 (donated)
FY07 = \$5,083,258 (fed), \$1,549,503 (pension), \$99,995 (donated)
FY08 = 6,372,075 (fed), 1,737,081 (pension), 99,995 (donated), 250,000 (BEST)

RSB Administration

FY05 = \$3,690,167 (fed), zero GR, \$1,051,691 blind pension
FY06 = \$3,565,157 (fed), zero GR, \$1,020,389 blind pension
FY07 = \$3,670,207 (fed), \$33,108 GR, \$1,056,185 blind pension
FY08 = \$3,773,536 (fed), 58,583 (GR), 1,082,427 (pension)

Bills That Did Not Pass

HB 1111 - Rep. Baker

Universal Design Tax Credit

This tax credit would have been available to businesses that built or remodeled houses using universal design standards. The bill did not get a hearing.

SB113 - Senator Shoemeyer

DME Any Willing Provider

This bill would have required that health insurance plans to include certain durable medical equipment (DME) providers in their provider networks. The goal behind the bill was to make local DME providers more available to persons in HMOs that currently restrict which providers can provide services to persons enrolled in those plans, especially in smaller communities. This bill did not receive a hearing.

SB 118 - Senator Griesheimer

Coverage of computerized prosthetics

This bill would have required insurance companies to cover computerized arm and leg prosthetics. This bill did not receive a hearing.

SB 133 - Rupp, SB 147 - Nodler & HB 265 - Cunningham

Expedited Due Process

None of these bills passed which would have brought the state into compliance with the newly issued federal regulations implementing IDEA. The bills would have made the current five-day disclosure requirement applicable to expedited due process hearings

SB 140 Rupp & SB 148 Nodler - Binding Designee

HB 267 - Rep. Jones - Settlement Agreements

These bills would have provided local boards of education the authority to identify a designee to bind the school district in a settlement agreement reached during the resolution session of a special education due process hearing.

SB 39 - Rep. Portwood

Medicaid for Workers with Disabilities

A version of this bill passed in SB 577.

SB 104 - Rep. Meiners

Sales Tax Exemption on Vehicle Access

Since 1998, the costs of adding access modifications to a motor vehicle (wheelchair lifts, hand controls, etc.) have been exempt from sales tax in Missouri. Rep. Meiners felt that not all sellers of modified vehicles have applied the exemption when selling a vehicle that already has the access modifications. Under the bill, the purchase price of a motor vehicle would have been reduced by the cost of the access modifications when

determining the sales tax amount.

SB 222 & SB 455 - Senator Gross

Dedicated Fund Sweeps

These bills would have swept fund balances from a number of disability related funds and placed the monies back into general revenue. SB 455 was somewhat less onerous than SB 222 in the potential impact to funds.

SB 238 - Stoffer and HB 573 St. Onge

Disabled Placards

Both of these bills would have changed the renewal period for disabled parking placards from every two years to every four years. This provision passed in SB 82.

HB 330 - Rep. Schaaf

Disability Benefits

This bill would have denied any type of state disability benefit for any individual who had been denied federal disability benefits based on a determination of a lack of disability. This bill did not receive a hearing.

SB 333 - Senator Stouffer, HB 957 - Rep. Cooper

Head Injury Advisory Council

This bill would have changed the name of the Council to the Missouri Brain Injury Advisory Council and codified the executive order that transferred the Council to the Department of Health and Senior Services (DHSS). The Act also directed the DHSS to develop standards which affect charging and funding of adult brain injury rehabilitation services. SB 333 passed the Senate as a consent bill, but was loaded up with various legislation in the House the day before the session ended and was not taken up again by the Senate. HB 957 did not receive a hearing.

SB 374 - Senator Rupp

First Steps Funding

This bill would have allowed HMOs to create high deductible health plans combined with health savings accounts and would have taxed the HMO plans for the purpose of funding the First Steps program. This bill was voted do pass in its Senate committee, but went no farther.

HB 807 - Senator Cunningham and HB 690 - Rep. Brian Baker

Open Enrollment for Students

These bills would have allowed public school students to attend a school in a district other than the one in which the student lived under certain circumstances. One of the issues with these bills was their impact on school services for students requiring special education. The bills were combined in committee and reported do pass, but never came to a vote on the House floor.

HB 827 - Rep. Muschany and SB 515 Senator Justus

Children in Residential Facilities

It appears that these bills would have allowed licensed residential facilities to make decisions about educating students on site of the facility, possibly shifting special education placement decisions from an IEP team (as required under federal and state law) to residential facility personnel. HB827 passed the House but died in the Senate. Eventually SB 84, which did pass, included a provision that DESE in conjunction with the Department of Social Services conduct a study relating to educational needs for students in residential placement.

SB 891 - Rep. Kratky
Disabled Employee Tax Credit

This bill would have provided a tax credit for companies employing a person with a disability. The amount of the credit would be based on the employee's average weekly hours in a taxable year. Individuals would not have been eligible for the tax credit. The bill was estimated to cost anywhere from \$17 to \$53 million in lost general revenue. The bill passed the House but did not make it to the Senate Calendar.

HB 330 - Rep. Schaaf
Any Willing Provider

This bill would have prohibited health insurers from refusing to allow a doctor or other medical provider into the insurer's provider network as long as the provider was willing to accept the terms and conditions for participation in the plan. This bill was reported do pass from its House committee, but went no further.

SB 566 - Senator Kennedy; HB 1131 - Representative Jones
Accessible Textbooks

This act would have provided that each publisher or vendor of print instructional materials make electronic files of the materials available at no cost to schools purchasing the print materials, along with the right to reproduce and distribute such materials in specialized formats, such as Braille, large print, digital audio and electronic text. The publisher or vendor must deliver the electronic files within 30 days of the request by the school.

SB 617 - Senator Rupp
IDEA

This bill would have prevented the Department of Elementary and Secondary Education (DESE) from issuing rules or regulations that would modify identification or evaluation standards for special education services. The bill did not receive a hearing.

SB 621 - Senator Engler
MRDD Name Change

This bill would have changed the name of the Division of Mental Retardation and Developmental Disabilities to the Division of Developmental Disabilities. The bill was voted do pass in its Senate committee.

HB 1014 - Rep. Wright
Disabled Veterans Preference

This bill would have given a preference to veterans who are disabled and doing business as Missouri companies when awarding state contracts if the quality of work is equal or better than other bids and the price is the same or less. The bill passed the House and was voted to pass in its Senate committee but did not pass.